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ABSTRACT

This pamphlet is designed to acquaint Chicago public school students and their parents with their rights regarding student records. Topics briefly addressed include: (1) what kinds of records parents and students are allowed to see; (2) the school's rights to keep certain records private and to destroy records; (3) who else may see a student's school records; (4) procedures for correcting records; (5) the release of records; and (6) ways individuals may obtain help in enforcing their rights. Places to contact for further information are also listed. (GC)

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YOUR SCHOOL RECORDS

QUESTIONS & ANSWERS ABOUT A NEW SET OF RIGHTS FOR PARENTS & STUDENTS IN CHICAGO PUBLIC SCHOOLS

April 1977

CHICAGO PUBLIC EDUCATION PROJECT
American Friends Service Committee
407 S. Dearborn St.
Chicago, Illinois 60605

427-2533

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NEW FEDERAL AND STATE LAWS

DO PARENTS AND STUDENTS HAVE ANY RIGHTS CONCERNING CHICAGO PUBLIC SCHOOL STUDENT RECORDS?

YES. Under federal and state laws,* parents of students under 18 years of age, and students 18 years of age or older have the right to see, obtain copies, correct, and limit release of student records. Your local school is required to establish written procedures to carry out these rights.

HOW DO I FIND OUT ABOUT THE SCHOOL RECORD PROCEDURES IN MY SCHOOL?

Each year, schools are required to notify you about your rights concerning school records. This notice should include a description of the procedures for inspecting student records, and for removing false and misleading information. If you have not received this notice in the mail, call or write to your school principal and request that he or she send you a copy of the procedures; also be sure to call the law department of the Board of Education (641-3900) or send them a copy of your letter.

SEEING THE RECORDS

WHAT KINDS OF STUDENT RECORDS ARE PARENTS ALLOWED TO SEE?

While children are enrolled in the Chicago public schools, a large number of records are developed on their academic performance and program, their

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* These laws are called the Family Educational Rights and Privacy Act of 1974 and the Illinois School Student Records Act of 1975.

health needs, and their discipline history. All of these records must be shown to you. The type of record does not matter --- discipline cards, psychological reports (sometimes called "Child Studies"), medical examination records, attendance data, and test score results are all included. Your school is required to provide you with a list of all the types of records it keeps on students.

CAN A SCHOOL REFUSE TO SHOW PARENTS A TEACHER'S PERSONAL NOTES ON A STUDENT?

YES, but only if these notes are made for the teacher's own use and are not shown to anyone other than a substitute; if they are shared with other people, then they must also be shown to the parent.

CAN A PARENT SEE RECORDS SENT TO THE SCHOOL FROM AGENCIES OUTSIDE OF THE SCHOOL SYSTEM?

YES. Records created by non-school agencies which are sent to school officials are considered to be school records.

CAN STUDENTS SEE THE SAME RECORDS AS PARENTS?

NO. While you are permitted to see your own records if you are over 18, no matter how long ago you graduated, there are some public school records that can be withheld:

1) psychiatric or "treatment" records (but you can let a doctor of your own choice look at them for you);
2) confidential letters of recommendation sent to colleges prior to January 1, 1975;
3) financial records of your parents.

MUST THE SCHOOL SHOW THE RECORDS TO ME RIGHT AWAY?

NO. Under Illinois law, the school has 15 school days from the time you ask to see the records before they must show them to you.

CAN THE SCHOOL DESTROY RECORDS AFTER I HAVE ASKED TO SEE THEM?

NO. Such action is a violation of federal law. Schools can destroy records before you ask to see them, but under Illinois law you must be notified before the records are removed.

MAY I READ THE RECORDS MYSELF?

YES. You have the right to personally examine the records yourself. If a school official only agrees to read to you from the records, that is not sufficient.

WHAT IF I DON'T UNDERSTAND SOMETHING IN THE RECORD?

You have the right to receive an explanation of any item you don't understand. There will probably be a counselor in the room with you when you read the records. If this person can't answer your questions, ask him to find someone who can. Illinois law requires that a qualified professional be provided to explain your child's records to you.

MAY I BRING SOMEONE WITH ME, LIKE MY CHILD, ANOTHER RELATIVE, OR A LAWYER?

YES. Before the school allows someone to see the records with you, you will be asked to sign a statement indicating that your friend has such permission.

CAN I SEE MY CHILD'S RECORDS MORE THAN ONCE A YEAR?

YES. You have the right to see your child's records as often as you want. As a general rule, it is a good idea to review your child's

records at the beginning of each school year and before your child transfers from one school to another.

MAY I OBTAIN COPIES OF SCHOOL RECORDS?

YES. Under Illinois law, parents and students 18 years of age or older have the right to obtain copies of school records. Although you can be charged up to 35¢ per page for the cost of copying, Illinois law requires that you be given copies free of charge if you are unable to pay. Generally, any family receiving some form of public assistance will be considered unable to pay. While you may want to take notes on the information contained in the records, you must be given copies if you ask for them.

NOTE: If you ask for a copy of a Child Study and your school has a red paper copy, it may be necessary to obtain your copy from the Bureau of Child Study office at 228 N. LaSalle Street (641-4280).

CAN I SEND SOMEONE TO INSPECT MY CHILD'S RECORDS OR TO OBTAIN COPIES FOR ME?

YES. You may want to have someone review your child's file for you if you are unable to come to the school yourself. The school will require that you provide written consent for each person acting as your representative.

WHAT MUST PARENTS DO IN ORDER TO SEE THEIR CHILDREN'S PUBLIC SCHOOL RECORDS IN CHICAGO?

Just contact the principal's office and tell them you want to make an appointment to come and review your child's school records. Or, write a letter to your child's school principal, including your child's name and birth date; you will then be contacted by the school so that an appointment can be made.

CORRECTING THE RECORDS

CAN I DO ANYTHING IF I THINK INFORMATION IN MY CHILD'S RECORD SHOULD BE CORRECTED?

YES. If you believe that information (other than your child's grades) is inaccurate or misleading, or that it is not related to the provision of appropriate educational services, or that it invades your child's or family's privacy, you have the right to request that this information be corrected. The school can do this by removing a record, changing it or adding information to the file.

HOW DO I GET MY CHILD'S RECORDS CORRECTED?

First, ask for a meeting with the school principal. Tell the principal which records you want to correct and explain your reasons. The meeting must be scheduled within 15 school days from the date you request one. The principal must decide what to do with the records within 10 school days of the meeting.

WHAT CAN I DO IF I DISAGREE WITH THE PRINCIPAL'S DECISION?

You have 20 school days to appeal to the district superintendent for a hearing to challenge the decision. An attorney or other representative may attend this hearing in order to help you in presenting your position. What is said at the hearing must be recorded by a tape recorder or a court reporter. The district superintendent must base his/her decision solely on the information presented at the hearing and must give you a decision within 10 school days after the hearing. If you disagree with the district superintendent's decision, you may appeal within 20 school days by writing to Richard J. Martwick, Cook County Superintendent of Schools, 33 W. Grand Ave., Chicago, Illinois 60610.

WHAT CAN I DO IF THE SCHOOL DISTRICT FINALLY DECIDES THAT THE RECORD SHOULD NOT BE CHANGED?

You have the right to place a statement in your child's file explaining your view of the records.

WHAT SHOULD I DO IF THE SCHOOL DISTRICT DECIDES TO MAKE THE CHANGE THAT I WANT?

Ask the school official to make the change in your child's record in your presence, and then go back to see your child's records several weeks later.

CONTROLLING RELEASE OF THE RECORDS

WHO ELSE CAN SEE MY CHILD'S OR MY OWN RECORDS WITHOUT MY CONSENT?

1) school officials in the same district with a "legitimate educational interest";
2) school officials in the school district to which your child intends to transfer (but you must be given the opportunity to request a copy of the records and to challenge their contents in this case);
3) various state and national education agencies or their authorized representatives, when enforcing federal laws;
4) anyone to whom the school must report information as required by state statute;*
5) accreditation and research organizations helping the school;
6) student financial aid officials;
7) those with court orders; and
8) in emergency situations, to those who need information to protect the health or safety of the student or other individual.

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*The state statute must have been in effect prior to November 19, 1974.

WHAT IS "STUDENT DIRECTORY INFORMATION" AND WHO IS ALLOWED TO SEE IT?

Student directory information is defined by Chicago school officials to include: a student's name, address, sex, grade level, birth date and place, and parents' name and address; academic awards, degrees and honors; information relating to school sponsored activities, organizations and athletics; major field of study; and period of attendance at school. If you do not want this information distributed to the general public, you must tell the school to take your child off its list of directory information.

MAY THE SCHOOL ASK ME TO SIGN A BLANKET CONSENT FORM AT THE BEGINNING OF THE YEAR SO THAT THEY DO NOT HAVE TO CONTACT ME EACH TIME THEY WANT ME TO CONSENT TO RELEASE OF INFORMATION?

NO. The school must contact you each time that someone requests to see any records.

WHAT MUST THE SCHOOL TELL ME WHEN THEY ASK MY CONSENT TO RELEASE OF RECORDS?

They must tell you what records have been requested, why the request has been made, and who will receive the records.

CAN I SEE A LIST OF EVERYONE WHO HAS ASKED FOR AND RECEIVED INFORMATION ON MY CHILD DURING THE YEAR?

YES. The school is required to keep with your child's records a list of everyone who requests and receives information about your child. You have a right to see it. The list may not include school employees who have seen the records.

ENFORCING YOUR RIGHTS

WHAT CAN I DO IF THE SCHOOL REFUSES TO LET ME SEE OR CORRECT OR OBTAIN COPIES OF MY CHILD'S RECORDS, OR RELEASES INFORMATION WITHOUT MY CONSENT?

Send a written complaint to Family Educational Rights and Privacy Act (FERPA), U.S. Dept. of Health, Education and Welfare, 330 Independence Ave., S.W., Washington, D.C. 20201. This agency is responsible for enforcing the federal school records law. Also send a copy of your letter or personally contact the Chicago Public Education Project (CPEP) (see address listed on the back of this pamphlet). CPEP staff may be able to help you in writing your complaint letter or in resolving the problem at the local school.

WHAT HAPPENS WHEN I FILE A COMPLAINT WITH H.E.W.?

The agency will investigate your complaint. This will include notifying the school and asking them to respond. You may also be contacted for further information. If the agency decides that the school is in violation, it will order the school to correct the violation within a certain period of time. In cases where the school refuses, H.E.W. can take action to stop all federal education funding to the school.

WHAT SHOULD I TELL H.E.W. IN MY COMPLAINT LETTER?

If you are a parent, tell them your child's name, and the name and address of the school.

If you are a student, state whether you are attending or have graduated or are no longer enrolled. Then explain what violation has occurred. Don't just say that

your rights have been violated -- use dates and names, and be as specific as you can: "I was shown a file on September 1, 1975, but Mr. Scott, the school guidance counselor, refused to let me see any discipline records. When I asked the principal, Ms. Jones, she also refused." If the school gave you a reason for denying your request, include this in your letter. Be sure to enclose copies of any letters you have written or received regarding the dispute. Providing your home and work phone numbers can speed up the investigation.

CAN I ALSO GO TO COURT TO ENFORCE MY RIGHTS?

YES. The Illinois School Student Records Act gives you the right to go into state court to enforce your rights concerning school records.

CAN I BE REQUIRED TO WAIVE MY RIGHTS CONCERNING STUDENT RECORDS IN ORDER TO RECEIVE CERTAIN BENEFITS OR SERVICES FROM MY SCHOOL?

NO. Since schools are prohibited from "effectively" preventing parents and students from exercising their rights under the federal school records law, you cannot be required to waive your rights before receiving school services. Students applying to post-secondary schools can choose to waive their right to see confidential letters of recommendation, but they must be told the names of those writing recommendations and be assured that the letters will not be used for any other purposes.

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In addition to investigating individual complaints, the U.S. Department of Health, Education and Welfare (HEW) has also published regulations to provide additional guidance for school officials. These regulations were issued on June 17, 1976 and can be obtained by writing to HEW.

Chicago parents and students may also want to write to the Illinois Office of Education (IOE) to find out more information about their student record rights under Illinois law. IOE published detailed regulations on student records which became effective on March 24, 1976. Some of these regulations have been summarized in this pamphlet. Copies of the complete regulations can be obtained by writing to:

Ken Midkiff
Student Affairs Division
Ill. Office of Education
100 N. First Street
Springfield, Ill. 62777

If you have any complaints about violations of the Illinois School Student Records Act or the state regulations issued by IOE, write to:

Richard Martwick
Cook County Superintendent of Schools
33 W. Grand Avenue
Chicago, Illinois 60610

and send a copy of your letter to the Chicago Public Education Project (CPEP). Their staff may be able to assist you in presenting your case to the Superintendent.

If you have any questions about the rights discussed in this pamphlet, contact the CHICAGO PUBLIC EDUCATION PROJECT (CPEP).

CPEP is a non-profit, private program affiliated with the American Friends Service Committee and the Northwestern Legal Assistance Clinic.

CPEP staff help parents and students to enforce their rights in the Chicago Public School System. They will answer your questions about your school record rights and can assist you in putting them into practice.

CPEP staff can be reached by writing to

407 S. Dearborn St.
Chicago, Ill. 60605

or calling

427-2533

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